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09/559,805	04/26/2000	Mitsuhiro Watanabe	13599	2986

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SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
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EXAMINER
DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
2143	7

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/559,805	Applicant(s) WATANABE, MITSUHIRO
	Examiner Michael S. A. Delgado	Art Unit 2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 June 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,324,182 by Burns et al.

In claim 1, Burns teaches about an internet home page data acquisition method comprising the steps of (Fig 3):

transferring an access list held by a client to a cache URL address storage server (Col 4, lines 59-67);

acquiring home page data by a cache server on the basis of the transferred access list (Col 4, lines 30-67); and

transferring the acquired home page data from said cache server to said client upon completion of acquisition of the home page data (Col 4, lines 30-67) .

In claim 2, Burns teaches about a method according to claim 1, wherein

said client includes a server storage cyclic folder for storing an access list to be transferred to said cache URL address storage server (Col 4, line 30-67), and

the step of transferring the access list comprises transferring the access list retained in said server storage cyclic folder to said cache URL address storage server (Col 4, line 30-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,324,182 by Burns et al in view of US Patent No. 6,377,993 by Brandt et al.

In claims 3- 5, Burns teaches all the limitation except in the case where the client initiates the transferring of the home pages from the cache server.

Brandt teaches about a method according to claim 1, wherein the step of transferring the home page data comprises the steps of:

causing said client to connect a line to said cache server when acquisition of home page data is completed (Col 10, lines 50-65); and

transferring the acquired home page data from said cache server to said client after the line is connected (Col 10, lines 50-65).

It would have been obvious at the time of the invention for some of ordinary skill to implement a polling scheme to access data from a server in which the data retrieval time varies. It is desirable for a client to receive a response from a server as soon as possible. In operation where the gathering of data varies over a wide range of time, it is inefficient for the client to wait for a predetermined fix time before attempting to retrieve data (Col 10, line 50-67). By polling, the client will be able to retrieve the information from the server as soon as it is available.

Claim 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,324,182 by Burns et al in view of US Patent No. 6,377,993 by Brandt et al

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,324,182 by Burns et al in view of US Patent No. 6,377,993 by Brandt et al.

In claim 6, Burns teaches all the limitations but does not explicitly teach about the cache server sending the client the information as soon as it is available (Synchronous approach). Brandt teaches about a method according to claim 4, wherein the method further comprises the step of causing said cache server to notify said client of an acquisition end time when the access list is transferred (Col 10, line 25-55); and

the step of connecting the line comprises the step of connecting the line to said cache server at the notified acquisition end time (Col 10, line 25-55).

It would have been obvious at the time of the invention for some one of ordinary skill to use a synchronous approach to retrieve information from a server that is guarantee to have the requested information within a certain period.

In a server where the time taken to receive information is fix, there is no need for polling on the client side as polling consumer a lot of processing power. Being that the process of retrieving the data is predictable, the server is better able to inform the client that the information is available without the client having to utilize a lot of processing power. By reducing the processing required, less power is consumed and thus the operation is more efficient.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,961,602 by Thompson et al, teaches about a method for optimizing off-peak caching of web data.

US Patent No. 5,931,904 by Banga et al, teaches about a method for reducing the delay between the time a data page is requested and the time the data page is displayed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 8 AM - 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

MD
July 15, 2003

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100